



Reprinted  
February 20, 2002

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## ENGROSSED SENATE BILL No. 270

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DIGEST OF SB 270 (Updated February 19, 2002 3:44 PM - DI 75)

**Citations Affected:** IC 4-23; IC 5-15; IC 20-14.

**Synopsis:** Library administration. Makes various changes concerning public library administration. Allows employee severance pay for an employee who is involuntarily separated from library employment. Alters procedures for making loans and issuing notes in anticipation of future revenues and for paying claims. Adds to the list of items for which a public library may pay claims in advance of library board allowance. Allows a library board to designate a person to collect money or library property owed to the library. Authorizes a library board to compromise claims made against the library. Requires the state library and the state archives to be open on Saturday during the same hours they are open during the week.

**Effective:** Upon passage; July 1, 2002.

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### Skillman, Blade

(HOUSE SPONSORS — KRUZAN, SCHOLER)

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January 7, 2002, read first time and referred to Committee on Governmental and Regulatory Affairs.

January 24, 2002, amended, reported favorably — Do Pass.

January 28, 2002, read second time, ordered engrossed.

January 29, 2002, engrossed.

January 31, 2002, read third time, passed. Yeas 50, nays 0.

#### HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Local Government.

February 14, 2002, amended, reported — Do Pass.

February 19, 2002, read second time, amended, ordered engrossed.

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ES 270—LS 6642/DI 22+



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February 20, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## ENGROSSED SENATE BILL No. 270

A BILL FOR AN ACT to amend the Indiana Code concerning libraries.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 4-23-7.1-21 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 21. (a) The board shall  
3 determine the days and hours the library and its subdivisions will be  
4 open for public use. ~~however,~~ **Except as provided in subsection (b),**  
5 the provisions of the laws governing the length of the working day, the  
6 hours of public business, and the observance of legal holidays shall be  
7 observed.

8 **(b) The board shall provide that the library and its subdivisions**  
9 **shall be open on Saturdays (other than a Saturday that is a legal**  
10 **holiday) during the same hours that the library is open Monday**  
11 **through Friday.**

12 SECTION 2. IC 5-15-5.1-5 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) Subject to  
14 approval by the oversight committee on public records created by  
15 section 18 of this chapter, the commission shall do the following:

16 (1) Establish a forms management program for state government  
17 and approve the design, typography, format, logo, data sequence,

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1 form analysis, form number, and agency file specifications of  
2 each form.

3 (2) Establish a central state form numbering system and a central  
4 cross index filing system of all state forms, and standardize,  
5 consolidate, and eliminate, wherever possible, forms used by state  
6 government.

7 (3) Approve, provide, and in the manner prescribed by IC 5-22,  
8 purchase photo-ready copy for all forms.

9 (4) Establish a statewide records management program,  
10 prescribing the standards and procedures for record making and  
11 record keeping; however, the investigative and criminal history  
12 records of the state police department are exempted from this  
13 requirement.

14 (5) Coordinate utilization of all micrographics equipment in state  
15 government.

16 (6) Assist the Indiana department of administration in  
17 coordinating utilization of all duplicating and printing equipment  
18 in the executive and administrative branches.

19 (7) Advise the Indiana department of administration with respect  
20 to the purchase of all records storage equipment.

21 (8) Establish and operate a distribution center for the receipt,  
22 storage, and distribution of all material printed for an agency.

23 (9) Establish and operate a statewide archival program to be  
24 called the Indiana state archives for the permanent government  
25 records of the state, provide consultant services for archival  
26 programs, conduct surveys, and provide training for records  
27 coordinators.

28 (10) Establish and operate a statewide record preservation  
29 laboratory.

30 (11) Prepare, develop, and implement record retention schedules.

31 (12) Establish and operate a central records center to be called the  
32 Indiana state records center, which shall accept all records  
33 transferred to it, provide secure storage and reference service for  
34 the same, and submit written notice to the applicable agency of  
35 intended destruction of records in accordance with approved  
36 retention schedules.

37 (13) Demand, from any person or organization or body who has  
38 illegal possession of original state or local government records,  
39 those records, which shall be delivered to the commission.

40 (14) Have the authority to examine all forms and records housed  
41 or possessed by state agencies for the purpose of fulfilling the  
42 provisions of this chapter.

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(15) In coordination with the data processing oversight commission created under IC 4-23-16, establish standards to ensure the preservation of adequate and permanent computerized and auxiliary automated information records of the agencies of state government.

(16) Notwithstanding IC 5-14-3-8, establish a schedule of fees for services provided to patrons of the Indiana state archives. A copying fee established under this subdivision may exceed the copying fee set forth in IC 5-14-3-8(c).

**(17) The commission shall provide that the Indiana state archives shall be open to patrons on Saturdays (other than a Saturday that is a legal holiday) during the same hours that the Indiana state archives is open Monday through Friday.**

(b) In implementing a forms management program, the commission shall follow procedures and forms prescribed by the federal government.

(c) Fees collected under subsection (a)(16) shall be deposited in the state archives preservation and reproduction account established by section 5.3 of this chapter.

SECTION 3. IC 20-14-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The library board shall select a librarian, who holds a certificate under IC 20-14-12, to serve as the director of the library. The selection shall be made solely upon the basis of the candidate's training and proficiency in the science of library administration. The board shall fix the compensation of the director. The director, as the administrative head of the library, is responsible to the board for the operation and management of the library.

(b) The library board shall employ and discharge librarians and other persons that are necessary in the administration of the affairs of the library. The board shall:

- (1) fix and pay their compensation;
- (2) classify them and adopt schedules of salaries; and
- (3) determine their number and prescribe their duties;

all with the advice and recommendations of the library director.

(c) In exercising its powers under this section, the library board may reimburse:

- (1) candidates for employment for expenses reasonably incurred while interviewing; and
- (2) new employees for their reasonable moving expenses.

If the library board exercises its authority under this subsection, it shall establish reasonable levels of reimbursement for the purposes of this

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subsection.

(d) A library board may provide severance pay to a library employee who is involuntarily separated from employment with the library.

SECTION 4. IC 20-14-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The library board may **do the following**:

~~(1) issue, when necessary, warrants or tax anticipation notes of not more than one (1) year's duration;~~

~~(2) borrow upon a temporary loan; upon the determination of the board to do so, any sum of money not to exceed the uncollected and anticipated taxes for the current year;~~

**(1) Adopt a resolution to make loans or issue notes for the purpose of refunding those loans in anticipation of revenues of the library that are expected to be levied and collected during the term of the loans. The term of a loan made under this subdivision may not be more than five (5) years. Loans under this subdivision must be made in the following manner:**

**(A) The resolution authorizing the loans must appropriate and pledge to payment of the loans a sufficient amount of the revenues in anticipation of which the loans are issued and out of which the loans are payable.**

**(B) The loans must be evidenced by warrants or tax anticipation notes of the library in terms designating:**

**(i) the nature of the consideration;**

**(ii) the time and place payable; and**

**(iii) the revenues in anticipation of which the loans are issued and out of which the loans are payable.**

~~(3) (2) Borrow money from other persons.~~

~~(4) (3) Issue, negotiate, and sell negotiable notes and bonds of the public library.~~

~~(5) (4) Levy, assess, and collect, at the same time and in the same manner as other taxes of the public library are levied, assessed, and collected, a special tax in addition to the tax authorized by section 10 of this chapter, sufficient to pay all yearly interest on the bonded and note indebtedness of the public library. and~~

~~(6) (5) Provide a sinking fund for the liquidation of the principal of the bond when it becomes due.~~

SECTION 5. IC 20-14-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The library board may ~~disburse according to law~~ **adopt a resolution allowing money to be disbursed under this section** for lawful library purposes.



(b) With the prior **written** approval of the library board **payment** and if the library board has adopted a resolution under subsection (a), **claim payments** may be made in advance of library board allowance for any of the following **types of expenses**:

(1) Property or services purchased or leased from the United States government or its agencies and the state, its agencies, or its political subdivisions.

(2) Dues, subscriptions, and publications.

(3) License or permit fees.

(4) Insurance premiums.

(5) Utility **payments or** connection charges.

(6) Federal grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.

(7) Grants of state funds authorized by statute.

(8) Maintenance and service agreements.

(9) Legal retainer fees.

(10) Conference fees.

(11) Expenses related to the educational or professional development of an individual employed by the library board, including:

(A) inservice training;

(B) attending seminars or other special courses of instruction; and

(C) tuition reimbursement;

if the library board determines that the expenditures under this subdivision directly benefit the library.

**(12) Leases or rental agreements.**

**(13) Bond or coupon payments.**

**(14) Payroll costs.**

**(15) State, federal, or county taxes.**

**(16) Expenses that must be paid because of emergency circumstances.**

**(17) Other expenses described in a library board resolution.**

Each payment of expenses lawfully incurred for library purposes must be supported by a fully itemized invoice or other documentation. The library director must certify to the library board before payment that each claim for payment is true and correct. This certification must be on a form prescribed by the state board of accounts. **The library board shall review and allow the claim at the library board's first regular or special meeting following the payment of a claim under this section.**



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~~(b)~~ (c) Purchases of books, magazines, pamphlets, films, filmstrips, microforms, microfilms, slides, transparencies, phonodiscs, phonotapes, models, art reproductions, and all other forms of library and audiovisual materials are exempt from the restrictions imposed by IC 5-22.

~~(c)~~ (d) The purchase of library automation systems must meet the standards established by the Indiana library and historical board under IC 4-23-7.1-11(b).

SECTION 6. IC 20-14-3-16 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 16. (a) Subject to subsection (d), a library board or a person designated in writing by the library board may:**

**(1) collect money or library property; or**

**(2) compromise the amount of money;**

**that is owed to the library.**

**(b) A library board:**

**(1) shall determine the costs of collecting money or library property under this section; and**

**(2) may add the costs of collection, including reasonable attorney's fees, to money or library property that is owed and collected under this section.**

**(c) A library board or the library board's agent that collects money under this section shall deposit the money, less the costs of collection, in the account required by law.**

**(d) A person designated by the library board under subsection (a) may collect money from a person for the library only if the amount to be collected from the person is more than ten dollars (\$10).**

**(e) A library board may compromise claims made against the library.**

SECTION 7. An emergency is declared for this act.

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## SENATE MOTION

Mr. President: I move that Senator Blade be added as second author of Senate Bill 270.

SKILLMAN

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred Senate Bill No. 270, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 20, delete "materials" and insert "**library property**".

Page 4, line 24, delete "materials" and insert "**library property**".

Page 4, line 27, delete "materials" and insert "**library property**".

Page 4, line 27, delete "are" and insert "**is**".

and when so amended that said bill do pass.

(Reference is to SB 270 as introduced.)

MERRITT, Chairperson

Committee Vote: Yeas 10, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 270, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 9, after "is" insert "**involuntarily**".

Page 4, line 16, delete "A library board may compromise".

Page 4, delete line 17.

Page 4, line 18, delete "(b)".

Page 4, run in lines 16 and 18.

Page 4, line 23, delete "(c)" and insert "**(b)**".

Page 4, line 29, delete "(d)" and insert "**(c)**".

and when so amended that said bill do pass.

(Reference is to SB 270 as printed January 25, 2002.)

STEVENSON, Chair

Committee Vote: yeas 8, nays 3.

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## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 270 be amended to read as follows:

Page 4, line 17, delete "(a) A" and insert "**(a) Subject to subsection (d), a**".

Page 4, between lines 30 and 31, begin a new paragraph and insert:

**"(d) A person designated by the library board under subsection (a) may collect money from a person for the library only if the amount to be collected from the person is more than ten dollars (\$10).**

**(e) A library board may compromise claims made against the library."**

(Reference is to ESB 270 as printed February 15, 2002.)

FRENZ

## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 270 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-23-7.1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 21. **(a)** The board shall determine the days and hours the library and its subdivisions will be open for public use. ~~however,~~ **Except as provided in subsection (b),** the provisions of the laws governing the length of the working day, the hours of public business, and the observance of legal holidays shall be observed.

**(b) The board shall provide that the library and its subdivisions shall be open on Saturdays (other than a Saturday that is a legal holiday) during the same hours that the library is open Monday through Friday.**

SECTION 2. IC 5-15-5.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) Subject to approval by the oversight committee on public records created by section 18 of this chapter, the commission shall do the following:

- (1) Establish a forms management program for state government and approve the design, typography, format, logo, data sequence, form analysis, form number, and agency file specifications of

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each form.

(2) Establish a central state form numbering system and a central cross index filing system of all state forms, and standardize, consolidate, and eliminate, wherever possible, forms used by state government.

(3) Approve, provide, and in the manner prescribed by IC 5-22, purchase photo-ready copy for all forms.

(4) Establish a statewide records management program, prescribing the standards and procedures for record making and record keeping; however, the investigative and criminal history records of the state police department are exempted from this requirement.

(5) Coordinate utilization of all micrographics equipment in state government.

(6) Assist the Indiana department of administration in coordinating utilization of all duplicating and printing equipment in the executive and administrative branches.

(7) Advise the Indiana department of administration with respect to the purchase of all records storage equipment.

(8) Establish and operate a distribution center for the receipt, storage, and distribution of all material printed for an agency.

(9) Establish and operate a statewide archival program to be called the Indiana state archives for the permanent government records of the state, provide consultant services for archival programs, conduct surveys, and provide training for records coordinators.

(10) Establish and operate a statewide record preservation laboratory.

(11) Prepare, develop, and implement record retention schedules.

(12) Establish and operate a central records center to be called the Indiana state records center, which shall accept all records transferred to it, provide secure storage and reference service for the same, and submit written notice to the applicable agency of intended destruction of records in accordance with approved retention schedules.

(13) Demand, from any person or organization or body who has illegal possession of original state or local government records, those records, which shall be delivered to the commission.

(14) Have the authority to examine all forms and records housed or possessed by state agencies for the purpose of fulfilling the provisions of this chapter.

(15) In coordination with the data processing oversight

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commission created under IC 4-23-16, establish standards to ensure the preservation of adequate and permanent computerized and auxiliary automated information records of the agencies of state government.

(16) Notwithstanding IC 5-14-3-8, establish a schedule of fees for services provided to patrons of the Indiana state archives. A copying fee established under this subdivision may exceed the copying fee set forth in IC 5-14-3-8(c).

**(17) The commission shall provide that the Indiana state archives shall be open to patrons on Saturdays (other than a Saturday that is a legal holiday) during the same hours that the Indiana state archives is open Monday through Friday.**

(b) In implementing a forms management program, the commission shall follow procedures and forms prescribed by the federal government.

(c) Fees collected under subsection (a)(16) shall be deposited in the state archives preservation and reproduction account established by section 5.3 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 270 as printed February 15, 2002.)

MURPHY

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